

Pierce: Pam Feared Murder Might Traumatize Her Dog

By TAMI PLYLER
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EXETER — Pamela Smart's dog Halen meant more to her than her husband's life, one of the state's key witnesses testified yesterday.

Gregory Smart's mother reacted audibly when 16-year-old Cecelia Pierce said, "She (Pamela Smart) told Bill (Flynn) not to kill Gregg in front of the dog because it would traumatize the dog. She said not to hurt the dog."

Halen — named after Pamela Smart's favorite rock group Van Halen — was one of the key reasons Smart decided to have her husband killed instead of simply getting a divorce, Pierce said.

"She said Gregg would take the dog, the furniture," Pierce

said. "She said she wouldn't have any money and she wouldn't have a place to live."

On the night Gregory Smart, 24, was fatally shot upon returning to his Derry home, Halen was found behind the basement door where the teens charged in the case said they put him before ransacking the house and shooting Smart.

Flynn, now 17, admitted firing the shot to the head which killed Smart while Patrick "Pete" Randall, 17 held Smart by the head. Vance Lattime Jr., 18, admitted he supplied the .38 caliber handgun used in the murder and drove the teens to and from Derry on the night of the killing.

A fourth teen, Raymond Fowler, 19, is awaiting trial on charges he was involved in the

planning of the murder and that he cleaned the murder weapon. He is also charged in connection with an alleged earlier attempt on Smart's life.

Pierce's testimony marked the last day of the state's case against Smart, 23, for conspiracy to commit murder, accomplice to murder and witness tampering in connection with her husband's death. It is expected the jury will begin deliberations as early as Wednesday, after the defense completes its case.

Pierce testified yesterday she wore a hidden tape recorder to record incriminating conversations between herself and Smart. After initially denying any knowledge of the crime, Pierce agreed to wear the body wire after going to police in June

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CECELIA PIERCE yesterday testified Pamela Smart decided to have her husband killed rather than getting a divorce because, "She said Gregg would take the dog, the furniture. She said she wouldn't have any money and she wouldn't have a place to live."

"She (Pamela Smart) told Bill (Flynn) not to kill Gregg in front of the dog because it would traumatize the dog. She said not to hurt the dog."

Cecelia Pierce



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WITNESS Cecelia Pierce is hugged by a Victim Assistance staff member during a break in yesterday's trial. At right is Sandra Matheson, head of Victim Assistance program which is part of the Attorney General's Office. Below, Pierce displays a variety of emotions during her testimony.

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with information about Smart's alleged involvement in the crime.

Pierce was an intern at the SAU 21 media center where Smart worked and the two became friends.

"All I have to say is I feel like totally feeling you cuz I'm afraid one day you're gonna come in here and you're gonna be wired by the f---ing police and I'm gonna be busted," Smart said on a tape made July 13. "... Give me some signal that if you ever come down to me and you are wired that you are going to give me."

But Pierce didn't give Smart a signal and just more than two weeks later, Smart was arrested and charged in connection with the murder.

According to Pierce, Smart spoke with her often about the murder plot and its progress. She also included Pierce in conversations between herself and her lover, Flynn.

In February, Pierce said, Smart told her she was in love with Flynn, a student in Project Self Esteem, a drug and alcohol awareness program in which Smart volunteered to participate.

"I laughed," Pierce said. "It was ridiculous. She was married. She was 22."

According to Pierce, Smart told Flynn of her feelings and began seeing more of the teen.

"Bill was always smiling," Pierce said.

Soon after, Pierce said, Smart told the intern she had a choice between divorcing her husband and killing him.

"I told her to get a divorce," Pierce said.

Pierce, who admitted calling Flynn and telling him where he might find a gun, said she believed her friend was serious, but would never carry out the plan.

Pierce said she did not go to the police after Smart told her of Flynn's failed attempt to kill her husband in April because she didn't think anyone would believe her.

After the failed attempt, Pierce said, Smart was angry that Flynn and Fowler had lost their way on the ride to Derry and arrived at the house after Gregory Smart had already arrived home.

"She said she couldn't believe how stupid they were, she was angry," Pierce said.

As the relationship between Smart and Flynn progressed, Pierce said she went along when Smart and Flynn went out to beach clubs or to the movies, even spending the night when Flynn spent the night at Smart's house.

One night when Flynn was at the house and Gregory Smart was away, Pierce said, the three watched the movie "9½ Weeks," then Smart and Flynn went upstairs.

Pierce said she watched another movie and part of a third before heading upstairs to see what was going on.

"They had been up there for

hours, I was getting bored," she said.

As she went up the stairs, Pierce said, she yelled "I hope you guys are done," but found instead, Smart and Flynn naked, having sex on the floor.

"I just ran downstairs," she said.

Throughout the spring, Pierce continued to help Smart hide her secret life, Pierce said. On Flynn's birthday, she said, Smart wanted to give him a magazine subscription, so she gave Pierce money and Pierce wrote the check "because she didn't want to explain to Gregg why she spent \$30 on a magazine subscription, (they didn't get)."

In March, Smart, her friend Tracy Collins, Flynn and Pierce were together when a car backed into a car they were in. All went to court in June to testify except Flynn, who had been arrested two days earlier.

But Pierce said Smart told her if she was asked who was with them, not to mention Flynn "because Pame (her family's spelling of her nickname) didn't want anyone to know he was with us."

About two weeks before May 1, Pierce said she told her friend she didn't want to know anything else about the murder plans. But on May 1, she said, Smart told her that would be the day the teens drove to Derry and carried out the murder.

The next day, a guidance counselor took four of Smart's Project Self Esteem student facilitators — Pierce, Flynn, Lattime and Rachel Emond — aside and told them Smart's husband had been murdered.

"I was shocked," Pierce recalled. "I didn't think they were going to do it."

Pierce also testified yesterday she signed a contract with Once Upon a Time Productions for rights to her story. If a movie is produced, she said, she will receive \$100,000.

Under cross-examination, defense attorney Mark Sisti attacked Pierce about her involvement in the search for a gun and asked if she had told two television programs she had appeared on, or the production company, about it.

Pierce said no.

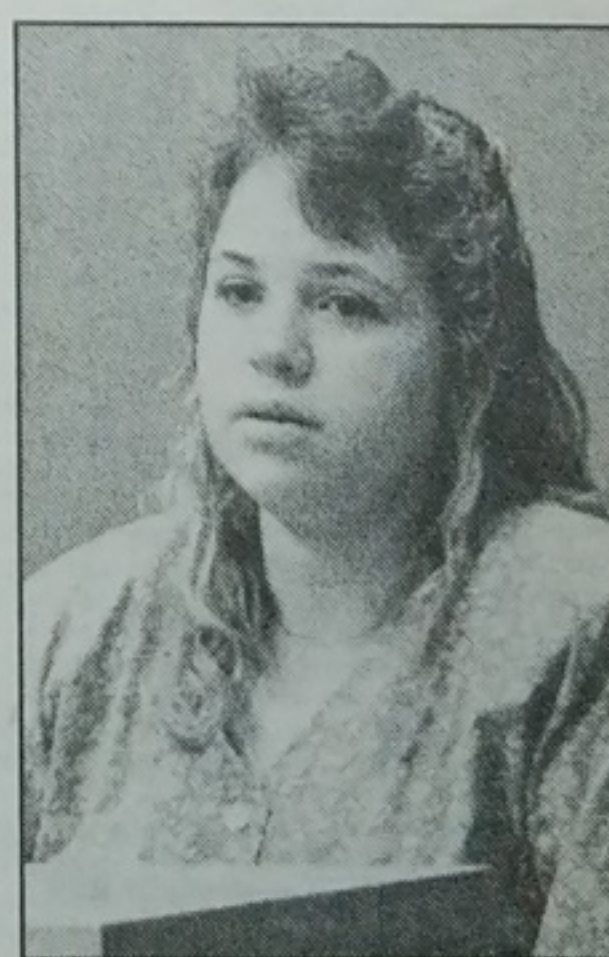
Sisti questioned why she would call Flynn with information about where a gun could be found. He stood directly behind Smart as he asked Pierce if Smart was a better friend of hers than Flynn.

"I don't know if Pame was ever really my friend," Pierce said, not looking at Smart. "You'll have to ask her."

Under questioning, Pierce said she was afraid to go to the police before June 14 when she agreed to make a statement, because Smart told her she would be arrested because of her prior knowledge of the murder.

"You honestly believed someone would be murdered before it happened," Sisti asked.

"No," replied Pierce. "But it happened."



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